

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

DENNIS L. WEAVER  
HATTIE M. WEAVER

Debtors

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CASE NO. 05-11574

**DECISION AND ORDER**

At Fort Wayne, Indiana, on February 14, 2006.

On December 27, 2005, debtors filed an objection to claim number 3 which has been filed on behalf of the Internal Revenue Service in this proceeding. On the same date, counsel served a notice of the objection upon the creditor, advising it of the deadline for filing any response. Based upon the certificate of service, this notice was served upon the Internal Revenue Service, the United States Attorney for the Northern District of Indiana, as well as the trustee, United States Trustee and debtors. It was not, however, served upon the United States Attorney General, as required by Rules 7004(b)(4) and 9013 of the Federal Rules of Bankruptcy Procedure. Since the objection to the claim of the Internal Revenue Service and notice of it have not been properly served upon the United States, the court cannot properly take action with regard thereto.

Debtors' counsel shall properly serve both the objection to the claim of the Internal Revenue Service and notice of that objection upon the United States, as required by Rules 7004(b)(4) and 9013 of the Federal Rules of Bankruptcy Procedure, and file proof thereof within fourteen (14) days of this date. The failure to do so will result in the objection being overruled, without prejudice, without further notice or hearing.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court